

ORIGINAL

Approved:

*Alison Moe*MICHAEL C. McGINNIS/ALISON G. MOE
Assistant United States AttorneysBefore: THE HONORABLE JAMES C. FRANCIS IV
United States Magistrate Judge
Southern District of New York**17 MAG 642**

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UNITED STATES OF AMERICA : -----

SEALED COMPLAINT: -----
: Violation of
: 7 U.S.C § 2156(b)

- v. - : -----

COUNT OF OFFENSE:
BRONXHECTOR M. CRUZ,
a/k/a "Rajah Khan," : -----

Defendant. : -----

x -----

SOUTHERN DISTRICT OF NEW YORK, ss.: -----



DENNIS STEELE, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD") and charges as follows:

COUNT ONE
(Animal Fighting)

1. From at least in or about December 2012 up to and including at least in or about January 2017, in the Southern District of New York and elsewhere, HECTOR M. CRUZ, a/k/a "Rajah Khan," the defendant, and others known and unknown, knowingly did sell, buy, possess, train, transport, deliver, and receive an animal for purposes of having the animal participate in an animal fighting venture, as defined in Title 7 United States Code, Section 2156(g)(1), to wit, CRUZ possessed, trained, and sold roosters for cockfighting at a location in the Bronx, New York.

(Title 7, United States Code, Section 2156(b).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Detective with the New York City Police Department ("NYPD") Animal Cruelty Investigations Squad and I am one of the case agents with primary responsibility for this investigation. I have been employed by the NYPD for approximately 8 years. During that time, I have received training and have participated in criminal investigations relating to animal cruelty, including cockfighting. As part of those investigations, have made and participated in arrests of individuals who have committed such offenses.

3. The information contained in this Complaint is based upon my personal knowledge, as well as information obtained during this investigation, directly or indirectly, from other sources, including, but not limited to: (a) business records and other documents, including bank records and records of electronic communications; (b) publicly available documents; (c) conversations with, and reports of interviews with, non-law-enforcement witnesses; and (d) conversations with, and reports prepared by, other law enforcement agents. Because this Complaint is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions and statements of and conversations with others are reported herein, they are reported in substance and in part. Where figures, calculations, and dates are set forth herein, they are approximate, unless stated otherwise.

Background

4. Based on my training and experience, I have learned the following about the activity commonly known as "cockfighting":

a. Cockfighting is an activity in which a knife, gaff, or other sharp instrument is attached to the legs of roosters for the purpose of fighting each other. A cockfight using a knife or gaff is sometimes referred to as a "postiza."

b. A cockfight often occurs in a walled-in "pit" surrounded by spectator benches. The fights between the roosters may be supervised by a referee. The fight is ended when one rooster is dead or refuses to continue to fight. If not killed during the fight, the losing rooster is typically killed after

the fight.

c. A series of cockfights conducted in a single day is referred to as a "Derby." A Derby usually consists of dozens of individual fights and may last from mid-morning until late afternoon depending upon the number of entries.

d. Cockfighting enthusiasts often refer to fighting roosters as "sparring."

e. Roosters involved in cockfighting will often be groomed or mutilated in distinct ways, such as the trimming and removal of the comb and wattle, and the trimming and shaping of the spur. This is often referred to as "dubbing."

f. Individuals who breed roosters for purposes of cockfighting often cross-breed particular types of roosters in order to produce hybrid breeds that will excel as fighters. Cockfighters often refer to these types of hybrid breeds as "battle crosses."

g. Under New York Agriculture and Market's Law Section 351(2)(a) it is a felony for any person "for amusement or gain, [to] cause[] any animal to engage in animal fighting." Under Section 351(2)(c), it is a felony for any person to "breed[], sell[], or offer[] for sale any animal under circumstances evincing an intent that such animal engage in animal fighting." Animal fighting is defined as a "fight between cocks or other birds, . . . except in exhibitions of a kind commonly featured at rodeos." See N.Y. Agric. & Mkts Law § 351.

h. Under Section 161.01 of the New York City Health Code, a rooster is deemed a "wild animal" and ownership and possession of roosters is prohibited within New York City.

5. Since approximately February 2016, the NYPD and the United States Department of Agriculture ("USDA") have been investigating breeders of roosters for use in cockfighting. As described below, that investigation has revealed that HECTOR M. CRUZ, the defendant, uses and operates a farm in the Bronx where he raises, trains, and sells roosters for use in cockfighting.

CRUZ's Bronx Rooster Farm

6. Based on my personal observations and my review of law enforcement reports, I have learned the following:

a. On or about February 11, 2016, members of the NYPD Animal Cruelty Investigation Squad visited a specific building in the Bronx, New York (the "Bronx Rooster Farm"), in response to a report made to 311 regarding the presence of a large number of roosters. HECTOR M. CRUZ, the defendant, was found in the driveway of the location. The NYPD officers on the scene met with CRUZ and asked him about reports of numerous roosters residing in the backyard of the building. CRUZ identified himself and provided his home address and date of birth.

b. CRUZ voluntarily provided the NYPD officers with a tour of the backyard of the Bronx Rooster Farm, which housed approximately 40 to 45 roosters and/or hens of different ages. The roosters outnumbered the hens, were kept in isolated cages, and were dubbed.

c. Based on my experience in investigating animal cruelty cases, the presence of large numbers of roosters of varying ages in a non-farm setting, and the outnumbering of hens by roosters, is indicative of breeding and/or using roosters for cockfighting. Additionally, the mutilations observed on the roosters are consistent with preparing a rooster for cockfighting. See supra ¶ 4(e).

7. On or about December 2, 2016, I, along with other members of law enforcement, conducted additional surveillance of the Bronx Rooster Farm. Based on my observations and my review of law enforcement reports, I know that the Bronx Rooster Farm contained dozens of rooster and/or hens and cages and that the sound of roosters could be heard emanating from the backyard. As detailed below, it appears that HECTOR M. CRUZ, the defendant, raises and trains these roosters in order to sell them for purposes of cockfighting.

CRUZ's Sale and Distribution of Roosters for Cockfighting

8. Pursuant to a judicially-authorized search warrant, I have reviewed the contents of a social media account that, according to subscriber information and the relevant content, appears to be operated by HECTOR M. CRUZ, the defendant (the "Cruz Social Media Account").¹ Based on my review of the Cruz

¹ For instance, the original user name of the Cruz Social Media Account is "Hector Cruz." The Cruz Social Media Account has received multiple messages addressing the user as "Hector," as

Social Media Account, I have learned that CRUZ has discussed his success in fighting roosters, see infra ¶ 9(b), his ownership of roosters known for their cockfighting ability, see infra ¶ 9(d), (e), (g), and (i), the sale and shipment of roosters known for their cockfighting ability, see infra ¶ 9(c) & (f), and the money he makes from owning and selling roosters, see infra ¶ 9(j). For instance, I have learned, among other things, the following:

a. The public name of the Cruz Social Media Account is "Rajah Khan," which, based on my training and experience and conversations with other law enforcement officers, appears to be a play on words that means, in sum and substance, "Bird King."

b. On or about December 18, 2012, the Cruz Social Media Account sent a private message to another account stating: "These are great Aseel, we tried them at [Co-Conspirator-1's ("CC-1")] on Ramapo Mountain, New Jersey [sic]. [CC-1] laughed when he first saw them and after some time - he saw how good they were and then he laughed no more. . . . Well from what I have seen from them they are some real good chickens and really great for the making of the battle-cross." Based on my training and experience, "Aseel" refers to a type of rooster prized for its fighting ability. Accordingly, it appears that HECTOR M. CRUZ, the defendant, was referencing a time when he fought roosters at a location in New Jersey.

c. On or about April 2013, the Cruz Social Media Account exchanged a series of private messages with another account regarding the purchase and shipment of an "Atkinson," which, based on my training and experience, I know to be a type of gamefowl. This exchange included the following private messages:

i. On or about April 15, 2013, the Cruz Social Media Account sent a private message that stated, in pertinent part: "For shipping expenses, box (etc.) for pure Atkinson Pullet. Send \$100 as soon as you can to.. Hector M. Cruz [an address in Yonkers, New York]."

well as messages wishing the user a happy birthday on what I have learned from a law enforcement database is, in fact, CRUZ's birth date. In addition, I have reviewed photos maintained by the Cruz Social Media Account and compared them to photos of HECTOR M. CRUZ from law enforcement databases. Based on those comparisons, it appears that the CRUZ Social Media Account contains photos of CRUZ. It therefore appears that the Cruz Social Media Account is maintained and used by CRUZ.

ii. On or about April 18, 2013, the Cruz Social Media Account sent a private message that stated: "The Atkinson were selected from the best Sonatol with certain virtues, features and talent in mind.. while basically the same bird.. the selection over the years have made them quite different physically and in fighting styles that address different weapons and modes of fighting.. gaff (long & short), Knife (long & short) and postiza (long & shorter).. tape boxing or naked heel etc.." As noted above, "gaffs" and "postizas" are terms related to the use of blades in cockfighting. See supra ¶ 4(a).

iii. On or about April 24, 2013, the Cruz Social Media Account sent a private message that stated: "I sent your beautiful - Atkinson Pullet (she is laying from a Puerto Rican-Spanish Broodcock of Excellent Quality, should be a great battle cross if you decide to hatch them. . . . The other birds I have for will be shipped this week too.. I just want to get the hen with eggs set into this three staller - just right." The Cruz Social Media Account, later sent a second message that included a shipping code.

d. On or about July 5, 2013, the Cruz Social Media Account sent a private message to another account stating: "I also sent RA some of my Best 'Amir Khan' REZA Aseel they are some real cutters and dead on target when produced on the battle-cross and some are so good that they have been fought pure and still winnig [sic] in the Pit !" Based on my training and experience, it appears that CRUZ was describing a shipment of roosters prized for their cockfighting ability.

e. On or about November 16, 2013, CRUZ sent a private message stating: "I don't fight my birds either -but, I do supply fighters with battle worthy birds who deliver in the pit ;)" Based on my training and experience, it appears that CRUZ was referencing his role in distributing roosters to individuals for their use in cockfighting.

f. On or about January 7, 2014, the Cruz Social Media Account received a private message from an account that stated, in pertinent part, that the account holder was "having to give away most of my birds." The Cruz Social Media Account responded: "Not good.. I can get you customers." The Cruz Social Media Account also sent a message stating: "Your customers are probably locals - the people I speak of send the money up front :) and are out of state."

g. In or about September 2014, the Cruz Social Media

Account exchanged a series of private messages with another account regarding the purchase and shipment of an "Atkinson," which, based on my training and experience, I know to be a type of gamefowl. This exchange included the following private messages:

i. On or about September 15, 2014, the Cruz Social Media Account received a private message in Spanish from a social media account ("Social Media Account-1"). Based on my conversations with a law enforcement officer who is certified as a Spanish translator, I have learned that the message was, in sum and substance, a request for CRUZ's address in order to send a \$400 payment for the "Atkinson."

ii. On or about September 17, 2014, the Cruz Social Media Account sent a private message to Social Media Account-1 listing the price as \$450.

iii. On or about September 18, 2014, the Cruz Social Media Account received a private message from Social Media Account-1 providing a Western Union number (the "WU Number") and informing the CRUZ Social Media Account that the money would be available the next day.

iv. Based on my review of records from Western Union, I have learned that on or about September 18, 2014, an individual named "Hector Cruz" received a payment of \$450, which corresponded to the WU Number (the "Western Union Payment"). The address where the Western Union Payment was received is located in the Bronx, less than two blocks away from the Bronx Rooster Farm. Accordingly, it appears that CRUZ received payment for the shipment of a rooster.

h. On or about November 2014, CRUZ and another social media account ("Social Media Account-2") exchanged the following private messages:

Social Media Account-2: What kind of battle crosses u have available 4-10 n under

Social Media Account-2: What kind of battle crosses u have available

CRUZ Social Media Account: I have Atkinson Aseel and Rajah Battle Crosses available..

Based on my training and experience, it appears that CRUZ was identifying particular breeds of roosters that he was prepared

to sell for use in cockfighting.

i. On or about December 2015, the Cruz Social Media Account exchanged a series of private messages with another account ("Social Media Account-4") regarding the purchase and shipment of an "asil," which, based on my training and experience, I know to be a type of gamefowl. This exchange included the following private messages:

i. On or about December 14, 2015, the Cruz Social Media Account sent Social Media Account-4 a private message that stated: "OK.. I have some really awesome Siyah Rampuri REZA Aseel for you.. You can call my Birdman in Puerto Rico.. Amazing pair at \$600.00, which includes Shipping, Boxes and Paperwork required for shipping (etc.) ..or if you are in the competitive circuit.. 3 seven month Old Bullstags plus a separate pair for breeding (total of 5 birds).. 4 males and one female. Bullstags will not be ready for competition until they are 18 months old.. Daddy, Grandfather and Uncles are multiple time winners. All 5 birds (which includes all shipping costs) .. \$1,000.00. I can also sell you one bird "up front" (pick of the clutch/litter) for \$300.00 (which includes shipping).. Get right back to me and let me know.." Based on my training and experience, it appears that CRUZ was offering to sell and ship a rooster for purposes of cockfighting.

ii. On or about December 20, 2015, and after the further exchange of messages, Social Media Account-4 sent the Cruz Social Media Account a private message that stated: "Grate he's Beautiful I will take him let me know where or what kind of payment methods you will be accepting and where will I be sending It to.." On or about December 22, 2015, the Cruz Social Media Account responded: "Western Union.. \$300 (which includes broker's shipping fee with shipping box ..all inclusive). Send the \$300 to: Hector M. Cruz [an address in Yonkers, New York].." Based on my training and experience, it appears that CRUZ was providing payment information for a rooster.

iii. On or about December 26, 2015, Social Media Account-4 sent the Cruz Social Media Account a private message that stated, in pertinent part: "Hey hector I'll be sending the money today please excuse the delay.." Based on my review of records from Western Union, I have learned that on December 26, 2015, an individual named "Hector M. Cruz" received a payment of \$300 from a sender in California. The address where the Western Union payment was received is located in the Bronx, less than two blocks away from the Bronx Rooster Farm. Accordingly, it

appears that CRUZ received payment for the shipment of a rooster.

j. On or about January 16, 2016, the Cruz Social Media Account sent a private message that stated, in sum and substance, that CRUZ earned approximately \$100,000 per year as a school teacher.² Approximately thirty minutes later, the Cruz Social Media Account sent a private message that stated: "I guess I make \$160,000.00..if I include my chicken business." Based on my review of the Cruz Social Media Account and my involvement in this investigation, it appears that CRUZ was discussing his earnings from the sale of roosters for use in cockfighting, as compared to his salary as a teacher.

k. On or about February 15, 2016, shortly after the NYPD first observed the Bronx Rooster Farm, a social media account ("Social Media Account-3") sent the CRUZ Social Media Account the following message:

I would like you to sell some of them for me if you can you know every one they would be great for a new person trying to get ahead to the top quickly in today's competition . In addition to buying one or more of my birds they get me and my expertise to guide them . Maybe I am asking too much for them but just a reminder we went strait in the Meican clean up derby with [an individual] in New Mexico 6 strait not one of my birds were cut the crowd and [the individual] said he has never seen any thing like that as usually the winners bleed out and die too . this is directly due to the style of the step back and cut step back and cut side to side [sic] . . .

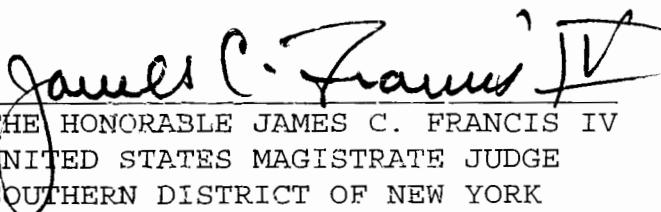
Based on my training and experience, it appears that Social Media Account-3 is asking CRUZ for help in selling roosters that have been successful cockfighters.

² Based on my conversations with employees of the New York City Department of Education, I have learned that HECTOR M. CRUZ is employed as teacher in New York City.

WHEREFORE, I respectfully request that an arrest warrant be issued for HECTOR M. CRUZ, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.


DENNIS STEELE
Detective
New York City Police Department

Sworn to before me this
26th day of January 2017


THE HONORABLE JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK